

LUCIAN J. GRECO, JR., ESQ.  
Nevada State Bar No. 10600  
DEVIN R. GIFFORD, ESQ.  
Nevada State Bar No. 14055  
MATTHEW J. COOK, ESQ.  
Nevada State Bar No. 15025  
BREMER WHYTE BROWN & O'MEARA LLP  
1160 N. TOWN CENTER DRIVE  
SUITE 250  
LAS VEGAS, NV 89144  
TELEPHONE: (702) 258-6665  
FACSIMILE: (702) 258-6662  
lgreco@bremerwhyte.com  
dgifford@bremerwhyte.com  
mcook@bremerwhyte.com

Attorneys for Defendants,  
Fornia Express, Inc. and Chunshu Bai

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SANDRA WHEELER,  
Plaintiff,

vs.

FORNIA EXPRESS INC., a foreign  
corporation; CHUNSHU BAI, an  
individual; DOES 1 through 100; and  
ROE CORPORATIONS 101 through 200,  
Defendants.

Case No. 2:20-cv-00815-RFB-BNW

**JOINT DISCOVERY PLAN AND  
SCHEDULING ORDER  
PURSUANT TO FED. R. CIV. P.  
26(f) AND LOCAL RULE 26-1(b)**

**SPECIAL SCHEDULING  
REVIEW REQUESTED**

Defendants Fornia Express, Inc. (hereinafter referred to individually as  
“Defendant Fornia Express”) and Chunshu Bai, (hereinafter referred to individually as  
“Defendant Bai” and collectively as “Defendants”), by and through their attorneys of  
record, Lucian J. Greco, Jr., Esq., Devin R. Gifford, Esq., and Matthew J. Cook, Esq.  
of the law firm Bremer Whyte Brown & O’Meara LLP, and Plaintiff Sandra Wheeler  
 (“Plaintiff”), by and through their attorneys of record, Scott L. Poisson, Esq. and Ryan  
Kerbow, Esq. of Bernstein & Poisson Law Firm, hereby submit their Joint Discovery

1 Plan and Scheduling Order Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1(b).  
 2 Deadlines that fall on a Saturday, Sunday or legal holiday have been scheduled for the  
 3 next judicial day.

4 **1. Fed. R. Civ. P. 26(f) Meeting:** Pursuant to Fed. R. Civ. P. 26(f), counsel  
 5 for the parties conferred by telephone to develop a proposed discovery plan on May  
 6 14, 2020. Devin R. Gifford, Esq., Matthew J. Cook, Esq., and Ryan Kerbow, Esq.  
 7 attended the conference.

8 **2. Pre-Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1), the  
 9 parties will make their pre-discovery disclosures, including any and all information  
 10 required by Fed. R. Civ. P. 26(a)(1) on or before **May 28, 2020**.

11 **3. Areas of Discovery:** The parties agree that the area of discovery should  
 12 include, but not be limited to all claims and defenses allowed pursuant to the Federal  
 13 Rules of Civil Procedure.

14 **4. Discovery Plan:** The parties propose the following discovery plan:

15 **a. Discovery Cut-Off Date [LR 26-1(b)(1)]:** Defendants filed their  
 16 Notice of Removal on May 6, 2020. The proposed last day of  
 17 discovery shall be **January 1, 2021**, which is calculated as 240 days  
 18 from the FRCP 26(f) Conference. The parties request a longer period  
 19 to conduct discovery in order to accommodate the extent of discovery  
 20 that will be required. Plaintiff has allegedly incurred over **\$110,631.27**  
 21 in past medical specials to date. Plaintiff has disclosed 13 medical  
 22 facilities to date for said treatment. Defendants anticipate obtaining  
 23 Plaintiff's medical records, deposing treating physicians, and retaining  
 24 experts, who will in turn likely be deposed by Plaintiff. In addition,  
 25 Defendant requires additional time to locate and contact witnesses. As  
 26 such, the parties respectfully request additional time to conduct  
 27 discovery in this matter as reflected herein.  
 28

**b. Amendment of Pleadings and Adding of Parties [LR26-1(b)(2)]:**

The parties shall have until **October 5, 2020**, to file any motions to amend the pleadings or to add parties. This is 90 days before the proposed discovery cut-off date.

**c. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) [LR26-1(b)(3)]:**

Disclosure of experts shall proceed according to Fed. R. Civ. P. 26(a)(2) and pursuant to LR 26-1(b)(3). The initial disclosure of experts and expert reports shall occur on **November 2, 2020**, which is 60 days before the proposed discovery cut-off date, and the disclosure of rebuttal experts and rebuttal expert reports shall occur on **December 2, 2020**, which is 30 days after the initial disclosure of experts.

**d. Interim Status Report [LR 26-3]:** The Interim Status Report is due on **November 2, 2020**, which is 60 days before the discovery cut-off.**e. Dispositive Motions [LR 26-1(b)(4)]:** The parties shall have until **December 2, 2020** to file dispositive motions, which is 30 days after the proposed discovery cut-off date.**f. Pre-Trial Order [LR 26-1(b)(5)]:** The joint pre-trial order shall be filed by **January 1, 2021**, which is 30 days after the date set for filing dispositive motions. If a dispositive motion is timely filed, this deadline is suspended until 30 days after a decision on the dispositive motion or further order of the Court.**g. Trial Readiness:** This case should be ready for trial by **June or July of 2021** and is expected to take approximately 7-10 days.**h. Fed. R. Civ. P. 26(a)(3) Disclosures [LR 26-1(b)(6)]:** Unless otherwise directed by the Court, pretrial disclosures as set out in Fed. R. Civ. P. 26(a)(3) and any objections to them shall be included in the joint pre-trial order.

i. **Court Conferences:** If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.

j. **Extension or Modifications of the Discovery Plan and Scheduling Order:** LR 26-4 governs modifications or extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must be made not later than 21 days before the subject deadline.

k. **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at Fed. R. Civ. P. 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

5. **Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]:** The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes, including mediation, arbitration, and if applicable, an early neutral evaluation.

6. **Alternative Forms of Case Disposition [LR 26-1(b)(8)]:** The parties certify that they considered consent to trial by a Magistrate Judge under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73, and the use of the Short Trial Program (General Order 2013-01).

7. **Electronic Evidence [LR 26-1(b)(9)]:** The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties may present evidence in electronic

format to jurors for the purposes of jury deliberations in compliance with the Court's electronic jury evidence display system.

**8. Review of Local Rule 26-1(b):** The parties certify that they have read the text of Local Rule 26-1(b), effective as amended May 1, 2016.

Dated this 18<sup>th</sup> day of May 2020

BERNSTEIN & POISSON LAW FIRM

By: /s/ Ryan Kerbow, Esq.

Scott L. Poisson, Esq.

Nevada Bar No. 10188

Ryan Kerbow, Esq.

Nevada Bar No. 11403

Attorneys for Plaintiff,

Sandra Wheeler

IT IS ORDERED that ECF No. 7 is GRANTED in part and DENIED in part. It is granted in all respects except that the dispositive motion deadline shall be February 1, 2021 and the pretrial order deadline shall be March 5, 2021 unless dispositive motions are filed. In that case, the pretrial order deadline shall be 30 days after all dispositive motions are decided.

Dated this 18<sup>th</sup> day of May 2020

BREMER WHYTE BROWN & O'MEARA LLP

By: /s/ Devin R. Gifford, Esq.

Lucian J. Greco, Jr, Esq.

Nevada Bar No. 10600

Devin R. Gifford, Esq.

Nevada Bar No. 14055

Matthew J. Cook, Esq.

Nevada Bar No. 15028

Attorneys for Defendants,

Fornia Express, Inc. and

Chunshu Bai

**IT IS SO ORDERED**

**DATED: May 19, 2020**



**BRENDA WEKSLER**

**UNITED STATES MAGISTRATE JUDGE**